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### **REMARKS**

Entry of the foregoing, reexamination and reconsideration of the above-identified application are respectfully requested.

In view of the Advisory Action dated August 8, 2003, and the indication that the prior Amendment would not be entered, Applicants are submitting this Second Supplemental Amendment to overcome some inadvertent errors in the prior claims.

The prior claims were deleted and rewritten as new claims 40-83. The new claims are directed to an isolated monoclonal antibody "which recognize a 150 kDA *T. equigenitalis* protein." The claims have also been amended to include claims directed to embodiments wherein additional antibodies are included with the antibody against the 150 kDA protein. In particular, monoclonal antibodies which recognize *T. equigenitalis* proteins selected from the group consisting of *T. equigenitalis* proteins of 120 kDA, 52.7 kDA and 22 (LPS) kDA may also be included in accordance with the teachings of the specification.

Dependent claims have also been added directed to strains of hybridomas, methods of identification of a *T. equigenitalis* bacterium and of diagnosing a *T. equigenitalis* infection, and kits comprising the claimed antibodies. These claims mirror those already pending, and thus do not represent any new issues or new matter.

No new matter is added by the instant amendment, nor are new issues raised. These claims are similar to those previously pending, but have been amended in accordance with the Examiner's suggestion to be directed to monoclonal antibodies which recognize a 150 kDA *T. equigenitalis* protein.

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Applicants further note that the recitation of "150 kDA" is not an exact value, but would be recognized in the art as including some variability. As described in the specification, the value of "150 kDA" was determined using gel electrophoresis. This value thus inherently includes some variability, i.e.,  $\pm 10\%$ . A person skilled in the art would thus recognize that the claim includes antibodies which recognize a *T. equigenitalis* protein of 150 kDA  $\pm 10\%$ .

Entry of this amendment is believed to be consistent with 37 C.F.R. §1.116, since it is believed to place the claims in condition for allowance. No new issues are raised, nor is new matter presented.

In view of the instant amendments, the pending rejections of record are believed to be overcome. As noted by the Examiner during the personal interview, none of the cited art teaches a monoclonal antibody which recognizes the 150 kDA epitope. Antibodies or compositions including such antibodies which recognize a 150 kDA epitope of *T. equigenitalis* would not be anticipated by or obvious in view of the prior art. Withdrawal of the rejections of record is thus respectfully requested and believed to be in order.

It is respectfully submitted that all rejections have been overcome by the above amendments. Thus, a Notice of Allowance is respectfully requested.


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In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (650) 622-2360 so that prosecution of the application may be expedited.

Respectfully submitted,

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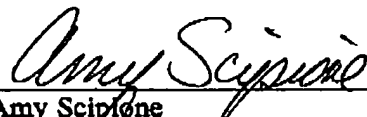
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Date: August 14, 2003

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to Examiner Portner (Fax No. 703-308-4242) at the U.S. Patent and Trademark Office on August 14, 2003.

August 14, 2003  
Date

  
Amy Scipione